

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CHRISTOPHER HANEY,)	
)	
Petitioner,)	
)	
vs.)	Case No. 4:08CV00542 ERW
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter comes before the Court upon Christopher Haney's Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody [doc. #1]. Christopher Haney ("Petitioner") was sentenced to a term of imprisonment of one hundred and eighty months, a supervised release term of three years, no fine, and a \$100 special assessment. *See* 4:05 CR00047 ERW.


Petitioner was sentenced as an armed career criminal based upon his prior felony conviction for failure to return to confinement. The Supreme Court recently held that a conviction for failure to return to a prison was not a violent felony. *See Chambers v. United States*, 129 S.Ct. 687 (2009). As a result, the Government concedes that Petitioner is not an armed career criminal, and the Parties agree that Petitioner should be re-sentenced to a term of imprisonment not to exceed the statutory maximum of ten years. The Parties jointly recommend that a sentence of seventy (70) months is appropriate, and the Court agrees.

Accordingly,

IT IS HEREBY ORDERED that Petitioner Christopher Haney's Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody [doc. #1] is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk of Court is to enter an amended Judgment in Cause no. 4:05 CR00047 ERW consistent with this opinion. The Judgment should be amended to read that Petitioner is to be imprisoned for a total term of seventy (70) months. No other amendments shall be made to the Judgment.

Dated this 22nd day of April, 2009.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE